

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) CASE NO. MJ18-562  
v. )  
BRIAN KEVIN RUBENAKER, ) DETENTION ORDER  
Defendant. )

Offense charged: Conspiracy to Possess/Access with Intent to View Child Pornography

Date of Detention Hearing: December 21, 2018.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

## FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. At the time of the alleged commission of this offense, defendant was on

01 supervised release on Case Number CR05-211 JLR for Possession of Visual Depictions of  
02 Minors Engaged in Sexually Explicit Acts. Defendant was previously convicted in Snohomish  
03 County of Child Molestation in the First Degree and Rape of a Child in the Third Degree. In  
04 the instant case, Defendant and his co-defendant sex offender are alleged to have purchased a  
05 laptop computer from a pawn shop and downloaded images of child pornography.

06 2. Defendant poses a risk of nonappearance based on possible noncompliance on  
07 supervision, possible criminal activity while on supervision and lack of background  
08 information. Defendant poses a risk of danger based on the nature and circumstances of the  
09 offense, possible noncompliance on supervision, possible criminal activity while on  
10 supervision, and criminal history.

11 3. There does not appear to be any condition or combination of conditions that will  
12 reasonably assure the defendant's appearance at future Court hearings while addressing the  
13 danger to other persons or the community.

14 It is therefore ORDERED:

15 1. Defendant shall be detained pending trial, and committed to the custody of the Attorney  
16 General for confinement in a correction facility separate, to the extent practicable, from  
17 persons awaiting or serving sentences or being held in custody pending appeal;  
18 2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;  
19 3. On order of the United States or on request of an attorney for the Government, the person  
20 in charge of the corrections facility in which defendant is confined shall deliver the  
21 defendant to a United States Marshal for the purpose of an appearance in connection with a  
22 court proceeding; and

01 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for  
02 the defendant, to the United States Marshal, and to the United State Probation Services  
03 Officer.

04 DATED this 21<sup>st</sup> day of December, 2018.

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07 Mary Alice Theiler  
08 United States Magistrate Judge  
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